IN THE UNITED STATES PATENT AND TRADEMARK OFF

Applicant:

Alaia et al.

Examiner:

Not yet known

Serial No.:

Not yet known

Group No.:

Not yet known

Filed:

April 11, 2001

For: Method and System for

Conducting Electronic

Auctions

Attorney Docket No.: 46700-5004-10

INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. §§ 1.56 ET SEQ.

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.97(b), the above-identified Applicants cite the following patents and publications, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. In compliance with 37 C.F.R. § 1.98(d), copies of the patents and publications set forth below and listed on the attached Form PTO-1449 (6 sheets) have not been provided because they were cited in parent application no. 09/311,555.

EXPRESS MAIL CERTIFICATE (37 C.F.R. § 1.10)

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I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Name	Daniel H.	Golub			

Patent Number	Patentee	Issue Date
5,629,982	Micali	5/1997
5,803,500	Mossberg	9/1998
5,826,244	Huberman	10/1998
5,835,896	Fisher, et al.	11/1998
5,890,138	Godin, et al.	3/1999
5,905,974	Fraser, et al.	5/1999
6,021,398	Ausubel	2/2000
6,023,685	Brett, et al.	2/2000
5,799,151	Hoffer	8/25/98
5,802,502	Gell, et al.	9/1/98
5,797,127	Walker, et al.	8/18/98
4,845,625	Stannard	7/4/89
4,992,940	Dworkin	2/12/91
5,136,501	Silverman, et al.	8/4/92
5,193,056	Boes	3/9/93
5,243,515	Lee	9/7/93
5,297,032	Trojan, et al.	3/22/94
5,375,055	Togher, et al.	12/20/94
5,394,324	Clearwater	2/28/95
5,402,336	Spiegelhoff, et al.	3/28/95
5,606,602	Johnson, et al.	2/25/97
5,664,115	Fraser	9/2/97
5,684,963	Clement	11/4/97
5,689,652	Lupien, et al.	11/18/97
5,715,402	Popolo	2/3/98
5,727,165	Ordish, et al.	3/10/98
5,758,327	Gardner, et al.	5/26/98
5,758,328	Giovannoli	5/26/98
5,765,138	Aycock, et al.	6/9/98

Patent Number	Patentee	Issue Date
5,774,873	Berent, et al.	6/30/98
5,794,207	Walker, et al.	8/11/98
5,794,219	Brown	8/11/98

Patent Number	Country or Patent Office	Publication Date
97/37315	PCT	10/9/97

Other Documents

"FairMarket Launches New Self-Serve Auctions", Business Wire, p6161495, June 16, 1998

Business Wire, Business Editors; "SHAWMUT NATIONAL will auction \$46 million in commercial real estate in December" November 3, 1992.

Vigoroso, Mark, "Buyers prepare for brave new world of e-commerce." Purchasing, v126, n6, pS4(1), April 22, 1999.

Sold!...To the Lowest Bidder", Computer Finance, v6, n2, July 1995

Von det Fehr, et al., "Predatory bidding in sequential auctions", Oxford Economics Papers, v46, n3, p345 (12) July 1994

Danny Cohen, "Computerized Commerce" Information Processing 89 (August 28 - September 1, 1989)

Jean-Pierre Banatre, et al., "The Design and Building of Enchere, a Distributed Electronic Marketing System" Communications of the ACM, No. 1 (January 29, 1986)

Wilder, "What's Your Bid? - FreeMarkets' real-time online bidding technology lets clients drive down the costs and improve product value, November 10, 1997, Information Week

Malone, et al., "The Logic of Electronic Markets", <u>Harvard Business Review</u>, No. 89311 (May-June, 1989)

FreemarketsTM Online, Bidware Manual" (6/9/1988)

Freemarkets OnlineTM, "Online Industrial Market Making, An Overview of Purchasing Executives"

WebAuction.com, "How to Play" (1998)

Auction Sales, "Live Auctions Online" (9/1998)

Auction Port, "Online Auction Community - New Auctions Since 9/2/98" (7/98)

OnSale, "How to Play" (1998)

u-Auction-ItTM (1997)

Freemarkets OnlineTM, "Homepage" (1998)

Andrews, "Auctions Catch the Interest of Hobbyists and Big Business", August 24, 1998

Associated Press, "Auction on Web is Buyer's Market", April 6, 1998

Steinert-Threlkeld, "New Watchwords: Let Sellers Beware", June 1, 1998

Woolley, "E-muscle", March 9, 1998

Associated Press, "FreeMarkets Takes Auction on Internet", February 23, 1998

Jahnke, "How Bazaar" (8/27/98)

Applicants respectfully request that these items be considered by the Examiner, and that

the Examiner acknowledge consideration of these references by initialing and returning copies of

the enclosed Form PTO-1449 with the next official action.

While this Information Disclosure Statement may be "material" pursuant to 37 C.F.R.

§ 1.56, it is not intended to constitute an admission that any patent, publication or other

information referred to herein is "prior art" for this invention or otherwise material to the

patentability of this invention as defined in 37 C.F.R. § 1.56.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure

Statement shall not be construed as a representation that a search has been made or that no other

material information as defined in 37 C.F.R. § 1.56(b) exists.

Respectfully submitted,

Daniel H. Golub

Reg. No. 33,701

Attorney for Applicant

MORGAN, LEWIS & BOCKIUS LLP

1701 Market Street

Philadelphia, PA 19103-2921

215.963.5055

Dated: April 11, 2001

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FORM PTO-1449	U.S. DEPARTMEN	T OF COMMERCE
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EXAMINER

ATTY. DOCKET NO. 46700-5004-10

SERIAL NO.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary).
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ALAIA et al.

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	D	5	8	3	5	8	.9	6	11/1998	Fisher et al.	705	37				
	Е	5	8	9	0	1	3	8	3/1999	Godin et al.	705	26				
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EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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